

Proposal to require broadcasters to retain recordings of all programming broadcast between 0600 and 2200 hours for a period of 60 to 90 days in order to facilitate Commission investigations is entirely unreasonable. First, it would be a gross imposition on small broadcasters, many of whom barely stay solvent in the face of existing Commission requirements. Second, forcing a broadcaster to retain and provide the Commission with evidence that a regulation has been violated is a clear violation of 5th Amendment rights against self-incrimination. Third, it borders on a violation of due process, because broadcasters would have to prove themselves innocent instead of the Commission proving guilt. This proposal is equivalent to requiring a motorist to record his location and speed at all times so the police could determine whether he exceeded the speed limit sometime last week. Do your own enforcement work!